Remarks

The present response is to the Office Action mailed in the above referenced case on September 07, 2005, made Final. Claims 29-48 are pending in the application. Claims 29- 48 are rejected under 35 U.S.C. 112, first paragraph. Claims 29-48 are rejected under 102(e) as being anticipated by Jamroga et al. (US 6,574,742) hereinafter Jamroga. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga in view of Ludovici et al. (US 6,636,898) hereinafter Ludovici.

Applicant has carefully reviewed the prior art references provided by the Examiner, and the Examiner's statements and rejections of the instant Office Action. Applicant herein amends the claims in order to overcome the 112 rejection applied by the Examiner. Applicant also presents arguments which clearly distinguish applicant's invention, as claimed and amended over the reference of Jamroga. There are no amendments made to the claims in order to overcome the art presented by the Examiner.

Regarding the 112 rejection the Examiner states that the claims fails to comply with the written description requirement. The Examiner continues to state that independent claims 29 and 39 contain the limitations of a "first virtual private network (VPN) management software" and "a second VPN management software"; when there is no mention in the specification of any VPN software operating on a server.

Applicant's claims now recite a first and second server having VPNs, thereby omitting the management software. Applicant believes the amendments to the claims are adequate to overcome the 112 rejection.

Regarding the 102 rejection of claims 29-39 relying on the art of Jamroga, the Examiner states that Jamroga teaches said limitations of independent claims 29 and 39 primarily relying on col. 5, lines 49-62 and col. 7, lines 35-56 of Jamroga.

Applicant points out that Jamroga is a system facilitating the storage and communication of digital images between computers within the medical field and is not analogous with applicant's invention. Applicant's claim 29 and method claim 39 specifically recite client held wireless communication appliances having access to the

Internet and communicating with a database, via a first server connected to the Internet providing a VPN communicating with a second server having a connection to said database, wherein the two servers create a VPN tunnel between the client-held communication device and the database available only to the subscribing communication appliances. The portions of Jamroga, as relied upon by the Examiner, are reproduced below:

"The storage, retrieval and delivery communication device also includes a participant computer server transmitter device for communicating with the system devices located at the database storage facility. This device contains both a transmitter and receiver for receiving and outputting the retrieved, transmitted delivery instruction set and digital data and images. Most preferably, the communication delivery device are both receiver-transmitters for performing each other's functions and comprise input units for adding and changing delivery instruction sets on the database. The system communication device is more preferably an n-customer to 1 server (client server) system. Each customer node is connected via a communications link (Internet, VPN, VAN, dialup, etc.) to the main database server system (col. 5, lines 49-62).

These communications links are more preferably direct network connections, but may also include Internet connections, dedicated lines and VPN connections. Links 24 and 28 are discussed in more detail with reference to FIG. 12. The vertical line 25 between the central databases 12 represents a communication link between two or more central databases utilized to transfer digital data and images. Link 25 is discussed in more detail with reference to FIGS. 2 and 5.

Links 20-28 are communications lines, however, it is understood that dedicated wire or wireless links may also be used. It is understood that by "wire" is meant any physical connection, whether by optical fiber, coaxial cable, twisted pair or otherwise, and that by "wireless" is meant cellular, microwave, IR, laser or any other non-physical connection. In this regard, the participant institutions 14 and their satellite locations 18

each have computers, computer networks, modalities, terminals, input output devises, transceivers or the like (not shown) for transmitting and receiving digital data and information, e.g. by modem, over the communication links (col. 7, lines 35-56)."

Applicant argues that the storage, retrieval and delivery communication device taught above in Jamroga comprises a series of computer servers, storage devices and one or more databases for storing a plurality of query, storage, search and delivery information or instructions sets, a database receiver for receiving an identifier, a database searcher for searching the database, and a database transmitter for transmitting the retrieved instruction set corresponding to the identifier. Because the Examiner has not offered comment, other than referencing column and line numbers of Jamroga, equating devices and functions of Jamroga to devices of applicant's invention, applicant is unclear as to what device in Jamroga equates to applicant's claimed client-held wireless communication appliance. As far as applicant understands, the Examiner is equating the "customer node" or "Participant network" to applicant's claimed appliance.

Applicant disagrees that the customer node of Jamroga reads on the communication appliance as claimed in applicant's invention. Jamroga teaches that the customer node or participant network includes multiple modalities, PCs, or viewing stations connected to the proxy server through the participants network so that steps of device and method 10 may be carried out by different persons at the particular participant simultaneously. It is clear to applicant that the proxy server of Jamroga communicates with a local network on the participant premises having multiple communication devices.

Applicant argues that there is no teaching in the art of Jamroga enabling VPN cooperation between servers wherein a VPN tunnel is created between the individual appliance and the database. Applicant argues although various links between components of Jamroga may be accomplished with separate VPN connections, one secure VPN tunnel is not created between the appliance and the database via at least two servers.

As illustrated in applicant's specification, the main differences in the structure of a typical client as shown in FIG. 2 and a VPN client as shown in FIG. 3 are the VPN-

controlled wireless proxy server 60 in FIG. 3 and the VPN Tunnel 75. A wireless base station 30 might connect to a VPN-controlled wireless proxy server 60 rather than a standard wireless proxy server (50 in FIG. 2). The VPN-controlled wireless proxy server might then connect to only certain VPN-controlled servers that are also connected to the Internet. The plurality of VPN-controlled Internet servers between a VPN-controlled proxy server 60 and a web or application server 90 in FIG. 5 is known as a VPN Tunnel 75. Similarly, the main difference in the structure of a typical Intranet as shown in FIG. 4 and a VPN Intranet as shown in FIG. 5 is the VPN Tunnel 75. In this embodiment, the VPN does not allow users outside the WDMS to have any access to data transferred within the WDMS; they cannot inspect data within the WDMS and they cannot find out from whence data is transmitted or received — they cannot see the data at all.

Regarding claim 30, the Examiner relies upon col. 7, lines 45-55 to teach that the client-held communication appliance is one of a personal digital assistant (PDA), cell phone, two-way pager or other similar device. Applicant argues that Jamroga merely teaches protocols of communication being optical fiber, coaxial cable, twisted pair or otherwise, and that by "wireless" is meant cellular, microwave, IR, laser or any other non-physical connection. There is no enabling teaching in Jamroga enabling a connection between the database and a hand-held communication device, such as a PDA, as claimed in applicant's invention. Jamroga teaches away from applicant's claimed communication appliance because Jamroga's network includes PC's viewing stations etc. (col. 8, lines 15-23).

Applicant believes that independent claims 29 and 39 are patentable based on the arguments provided above. Dependent claims 30-38 and 40-48 are patentable on their own merits, or at least as depended from a patentable claim. Applicant believes that providing a VPN tunnel in the Internet to transfer data between a wireless device and information from a database in a WDMS is and remains novel in the art.

As all of the presented claims standing for examination are novel and clearly patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed

beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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